

Senate File 529 - Enrolled

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SENATE FILE 529

AN ACT

EXPANDING THE CRIMINAL OFFENSE OF POSSESSING CONTRABAND IN
CORRECTIONAL INSTITUTIONS TO INCLUDE POSSESSING CONTRABAND
IN A SECURE FACILITY FOR THE DETENTION OR CUSTODY OF
JUVENILES, A DETENTION FACILITY, OR A JAIL, AND PROVIDING A
PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 719.7, Code 2007, is amended to read as
follows:

719.7 POSSESSING CONTRABAND.

1. "Contraband" includes but is not limited to any of the
following:

a. A controlled substance or a simulated or counterfeit
controlled substance, hypodermic syringe, or intoxicating
beverage.

b. A dangerous weapon, offensive weapon, pneumatic gun,
stun gun, firearm ammunition, knife of any length or any other
cutting device, explosive or incendiary material, instrument,
device, or other material fashioned in such a manner as to be
capable of inflicting death or injury.

c. Rope, ladder components, key or key pattern, metal
file, instrument, device, or other material designed or
intended to facilitate escape of an inmate.

2. ~~The sheriff may x-ray a person committed to the jail,~~
~~or the department of corrections may x-ray a person under the~~

~~control of the department, if there is reason to believe that~~
~~the person is in possession of contraband. A licensed~~
~~physician or x-ray technician under the supervision of a~~
~~licensed physician must x-ray the person.~~

3. A person commits the offense of possessing contraband
if the person, not authorized by law, does any of the
following:

a. Knowingly introduces contraband into, or onto, the
grounds of a secure facility for the detention or custody of
juveniles, detention facility, jail, correctional institution,
or institution under the management of the department of
corrections.

b. Knowingly conveys contraband to any person confined in
a secure facility for the detention or custody of juveniles,
detention facility, jail, correctional institution, or
institution under the management of the department of
corrections.

c. Knowingly makes, obtains, or possesses contraband while
confined in a secure facility for the detention or custody of
juveniles, detention facility, jail, correctional institution,
or institution under the management of the department of
corrections, or while being transported or moved incidental to
confinement.

4. A person who possesses contraband or fails to report an
offense of possessing contraband commits the following:

a. A class "C" felony for the possession of contraband if
the contraband is of the type described in subsection 1,
paragraph "b".

b. A class "D" felony for the possession of contraband if
the contraband is any other type of contraband.

c. An aggravated misdemeanor for failing to report a known
violation or attempted violation of this section to an
official or officer at a secure facility for the detention or
custody of juveniles, detention facility, jail, correctional
institution, or institution under the management of the
department of corrections.

5. Nothing in this section is intended to limit the
authority of the administrator of any secure facility for the
detention or custody of juveniles, detention facility, jail,
correctional institution, or institution under the management
of the department of corrections to prescribe or enforce rules
concerning the definition of contraband, and the
transportation, making, or possession of substances, devices,
instruments, materials, or other items ~~in the institutions.~~

3 4 Sec. 2. Section 911.3, subsection 1, paragraph b, Code
3 5 2007, is amended to read as follows:
3 6 b. Section 719.7, 719.8, 725.1, 725.2, or 725.3.

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3 10 _____
3 11 JOHN P. KIBBIE
3 12 President of the Senate

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3 15 PATRICK J. MURPHY
3 16 Speaker of the House

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3 18 I hereby certify that this bill originated in the Senate and
3 19 is known as Senate File 529, Eighty-second General Assembly.

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3 22 _____
3 23 MICHAEL E. MARSHALL
3 24 Secretary of the Senate

3 25 Approved _____, 2007

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3 28 _____
3 29 CHESTER J. CULVER
3 30 Governor